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Hearing Date: February 21, 2007 at 11:00 a.m.
Objection Date: February 16, 2007

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

Case No.: 02-14638-cec
Chapter 7

NIGEL ANTHONY RUSSELL and
DIANE RUSSELL,

Debtor.

**NOTICE OF MOTION
TO DISMISS THE COMPLAINT**

NIGEL ANTHONY RUSSELL,

A.P. No.: 06-01502-cec

Plaintiff,

v.

CHASE BANK USA, NA,

Defendant.

PLEASE TAKE NOTICE that upon the annexed motion, Chase Bank USA, N.A. (“Chase”), by its attorneys Simmons, Jannace & Stagg, L.L.P., will move this Court before the Honorable Carla E. Craig, United States Bankruptcy Court Judge, at the United States Bankruptcy Court for the Eastern District of New York, located at 271 Cadman Plaza East, Brooklyn, New York on the 21st day of February, 2007 at 11:00 a.m. in the forenoon, or as soon thereafter as counsel can be heard for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss plaintiff’s complaint.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall be made in writing, shall state with particularity the grounds for the objection

and shall be filed with the Court (with a courtesy copy to Judge Craig) and served upon Simmons, Jannace & Stagg, L.L.P., attorneys for Chase, on or before February 16, 2007.

Dated: Syosset, New York
January 22, 2007

SIMMONS, JANNACE & STAGG, L.L.P.

BY: s/ Thomas E. Stagg
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